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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,913	09/12/2003	Steven G. LeMert	LEME-0731	8341

23123 7590 04/13/2005

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SUITE # 101  
MESA, AZ 85201

EXAMINER
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SLACK, NAKO N

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/661,913

**Applicant(s)**

LEMERT, STEVEN G.

**Examiner**

Naoko Slack

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-16 and 18-27 is/are rejected.
- 7) ☒ Claim(s) 2 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/12/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

Applicant's Information Disclosure Statement received September 12, 2003 has been entered and considered.

### ***Specification***

The disclosure is objected to because of the following informalities:

On page 12, line 4, "8" should be - - 18 - -.

On page 12, line 5, "arraigned" should be - - arranged - -.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-16, and 18-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US Patent 5,992,111 to Waterhouse.

Claim 1:

Waterhouse discloses a glass block panel system comprising a framework comprising an external framework comprising at least one external peripheral

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frame member (13, Figure 4) comprising a base web portion formed between first and second opposing side arms (15 and 19, Figure 4), wherein at least one of the side arms is removably coupled to the base web portion (19, Figure 4), and at least one glass block secured in the framework (Figure 5).

Claim 3:

Waterhouse's at least one external peripheral framework member further comprises a securing track (central groove in base, Figure 6) formed along an internal face of the base web portion.

Claim 4:

Waterhouse's at least one external peripheral framework member further comprises flexible extrusions (17 and 23, Figure 4) protruding from tips of the side arms, the extrusions forming tightly adjustable seals between the tips of the side arms and the glass block (column 4, lines 43-48).

Claim 5:

Waterhouse's at least one glass block further comprises at least two glass blocks secured in the framework, and the framework further comprising an internal framework (31, Figure 5) comprising at least one internal frame spacer abutting and separating the at least two glass blocks.

Claim 6:

Waterhouse's internal frame spacer comprises a spacer web portion (31, Figure 5) formed between opposing facing strips (35a and 35b, Figure 5).

Claim 7:

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Waterhouse's each facing strip further comprises cross arms, the cross arms having flexible extrusions (39a and 39b, Figure 5) protruding from tips of the cross arms forming tightly adjustable seals between the tips of the cross arms and the glass blocks (column 4, line 32).

Claim 8:

Waterhouse's at least one of the facing strips (35b, Figure 5) is removably coupled to the spacer web portion (column 5, lines 2-5).

Claim 9:

Waterhouse's first side arm (19, Figure 4) is removably coupled to the base web portion and the second side arm (15, Figure 4) is integrally joined to the base web portion.

Claim 10:

Waterhouse discloses a glass block panel system (Figure 5) comprising at least two glass blocks secured in a framework, the framework comprising at internal framework comprising at least one internal frame spacer (31, Figure 5) abutting and separating the at least two glass blocks, the at least one internal frame spacer comprising a spacer web portion (central part of 31) formed between first and second opposing facing strips (35a and 35b) each facing strip comprising cross arms, the cross arms having flexible extrusions (39a and 39b, column 4, line 32) protruding from tips of the cross arms forming tightly adjustable seals between the tips of the cross arms and the glass blocks.

Claim 11:

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Waterhouse discloses that at least one of the facing strips (35b, Figure 5) is removably coupled to the spacer web portion (column 5, lines 2-5).

Claim 12:

Waterhouse discloses that the first facing strip is removably coupled (35b, Figure 5) to the spacer web portion and that the second facing strip is integrally joined and non-releasable (column 4, lines 61-65) to the spacer web portion.

Claim 13:

Waterhouse discloses a securing track formed along at least one opposing face of the spacer web portion (space between notches 33 are securing tracks, Figure 5).

Claim 14:

Waterhouse's internal frame spacer further comprises a securing tab formed at each opposing latitudinal end of the spacer web portion (notches 33 are securing tabs).

Claim 15:

Waterhouse's framework further comprises an external framework (13, Figure 5) comprising at least one external peripheral frame member.

Claim 16:

Waterhouse's at least one external peripheral frame member comprises a base web portion (central portion of 13, Figure 4) formed between opposing side arms (15 and 19, Figure 4).

Claim 18:

Waterhouse's at least one external peripheral frame member further comprises flexible extrusions (17 and 23, Figure 4, and column 4, lines 43-48) protruding from tips

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of the side arms, the extrusions forming tightly adjustable seals between the tips of the side arms and the at least two glass blocks.

Claim 19:

Waterhouse's at least one of the side arms (19, Figure 4) is removably coupled to the base web portion.

Claim 20:

Waterhouse's at least one external peripheral frame member further comprises a securing track (25, Figure 4) formed along an internal face of the base web portion.

Claims 21-27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US Patent 5,042,210 to Taylor.

Claim 21:

Taylor discloses a method of fabricating a glass block panel system, the method comprising the steps of assembling a framework so that at least a portion of at least one internal component is formed (column 2, lines 32-37), applying an adhesive sealant to the formed portion of the at least one internal compartment (column 2, lines 44-51) latitudinally inserting at least one glass block into the formed portion of the at least one internal compartment from a front of the glass block panel system (column 4, lines 22-25), and completing the glass block panel system (column 2, lines 59-63).

Claim 22:

Taylor's method of assembling a framework comprises assembling a portion of an external framework so that a portion of an internal compartment is

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formed (column 2, lines 32-37), wherein applying an adhesive sealant comprises applying an adhesive sealant to the formed portion of the internal compartment (column 2, lines 44-51), wherein latitudinally inserting at least one glass block comprises latitudinally inserting a glass block into the formed portion of the internal compartment from a front of the glass block panel system (column 4, lines 22-25), and wherein completing the glass block panel system comprises completing the internal compartment and removably coupling (column 7, lines 26-29) at least one side arm (130, Figure 21) to the external framework, thereby securing the glass block in the internal compartment.

## Claim 23:

Taylor's method of assembling a framework comprises assembling an external framework so that an internal compartment is formed (column 2, lines 32-37), wherein applying an adhesive sealant comprises applying an adhesive sealant to the internal component (column 2, lines 44-51), wherein latitudinally inserting at least one glass block comprises latitudinally inserting a glass block into the internal compartment from a front of the glass block panel system (column 4, lines 22-25), and wherein completing the glass block panel system comprises removable coupling four side arms to the external framework (130, Figure 20). There are four external frame members (22 and 32, Figure 1) defining the external perimeter of the glass block panel.

## Claim 24:

Taylor's method of assembling a framework comprises assembling a portion of an external framework and an internal frame spacer so that portions of two



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internal compartments are formed (column 2, lines 32-37), wherein applying an adhesive sealant comprises applying an adhesive sealant to the formed portions of the internal compartments (column 2, lines 44-51), wherein latitudinally inserting at least one glass block comprises latitudinally inserting two glass blocks into the formed portions of the two internal compartments from a front of the glass block panel system (column 4, lines 22-25), and wherein completing the glass block panel system comprises completing the internal compartments and removably coupling at least one side arm (130, Figure 21) and at least one facing strip (132, Figure 22) to the external framework and the internal frame spacer respectively, thereby securing the glass blocks in the internal compartments.

Claim 25:

Taylor's method of assembling a framework comprises assembling an external framework and an internal frame spacer so that two internal components are formed (column 2, lines 32-37), wherein applying an adhesive sealant comprises applying an adhesive sealant to the internal components (column 2, lines 44-51), wherein latitudinally inserting at least one glass block comprises latitudinally inserting two glass blocks into the two internal compartments from a front of the glass block panel system (column 4, lines 22-25), and wherein completing the glass block panel system comprises removably coupling four side arms (130, Figure 21) and a facing strip (132, Figure 22) to the external framework and the internal frame spacer respectively; thereby securing the glass blocks in the internal compartments. There are four external frame members (22 and 32, Figure 1) defining the external perimeter of the glass block panel.

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## Claim 26:

Taylor's method of assembling a framework comprises assembling a portion of an external framework and a plurality of internal frame spacers so that portions of a plurality of internal compartments are formed (column 2, lines 32-37), wherein applying an adhesive sealant comprises applying an adhesive sealant to the formed portions of the internal compartments (column 2, lines 44-51), wherein latitudinally inserting at least one glass block comprises latitudinally inserting a plurality blocks into the formed portions of the plurality of internal components from a front of the glass block panel system (column 4, lines 22-25), and wherein completing the glass block panel system comprises completing the internal compartments and removably coupling a plurality of side arms (130, Figure 21) and a plurality of facing strips (132, Figure 22) to the external framework and the internal frame spacers respectively, thereby securing the glass blocks in the internal components.

## Claim 27:

Taylor's method of assembling a framework comprises assembling an external framework and a plurality of internal frame spacers so that a plurality of internal compartments are formed (column 2, lines 32-37), wherein applying an adhesive sealant comprises applying an adhesive sealant to the internal compartments (column 2, lines 44-51), wherein latitudinally inserting at least one glass block comprises latitudinally inserting a plurality blocks into the plurality of internal compartment from a front of the glass block panel system (column 4, lines 22-25), and wherein completing the glass block panel system comprises removable coupling a plurality of side arms

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(130, Figure 21) and a plurality of facing strips to the external framework and the internal frame spacers (132, Figure 22) respectively, thereby securing the glass blocks in the internal compartments.

### ***Allowable Subject Matter***

Claims 2 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Prior Art Cited of Interest***

US Patent 5,791,108 discloses a glass block panel comprising interlocking frame members with cover strips. German Patent DE 3309463 discloses a glass block wall system comprising framing members with removable and integral cover strips.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naoko Slack whose current telephone number is (703) 305-0315. After 11 April 2005, the new telephone number will be (571) 272-6848. The examiner can normally be reached on Mon-Fri (6:00 am-2:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Naoko Slack', with a long horizontal flourish extending to the right.

Naoko Slack  
Primary Examiner  
Art Unit 3635

NS  
March 31, 2005